

Arlington Town Meeting — Substitute Motion

ARTICLE NO. 17

Dated: April 24, 2024

I, Paul Schlichtman, do hereby submit the following Substitute Motion under Article 17:

Voted:

Title V of the Bylaws of the Town of Arlington are amended by adding Article 19, Right to Pet Companionship, as follows:

Title V – Regulations Upon the Use of Private Property

ARTICLE 19: RIGHT TO PET COMPANIONSHIP

Section 1: Findings and Purposes

Throughout history, art and literature have depicted humans of all walks of life and social strata with companion animals, illustrating their widespread inclusion and importance to society. This is true in virtually every culture and across continents.

Our own society abounds with examples of the well-established place animals have in our hearts and homes, and people of all ages enjoy and benefit from animal companionship. For some people, particularly senior citizens, companion animals offer a welcome relief from loneliness. For children, an animal in the home contributes warmth and unconditional love, and teaches altruistic consideration for the needs of others. Those who suffer from disease or injury experience a therapeutic, even emotional, benefit from their presence.

At the close of 2023, 70,000 additional cats and 107,000 additional dogs were in the animal sheltering system as compared to the end of 2022, according to the national database of Shelter Animals Count. Therefore, pro-pet policies can save lives by reducing the killing of shelter animals, increase the potential for adoption, and lessen the high costs of sheltering and feeding homeless animals by overwhelmed municipal and volunteer rescue centers. This reduces the burden placed on both taxpayers and charitable donors. Other benefits include improved civic engagement and public health, encouraging both individuals and businesses to relocate to a welcoming community.

As fears about companion animals causing damage are exaggerated and can be mitigated by less restrictive measures, including but not limited to reasonable security deposits, and subject to review by the Massachusetts Attorney General, blanket pet bans should no longer be permissible.

Section 2: Definitions

As used in this article, the following terms shall have the meanings indicated:

- A. "Companion animal" means an animal of the kind usually kept as a pet who resides and sleeps indoors, such as a dog, cat, rabbit, bird, fish, hamster, gerbil, or other animal who typically resides and sleeps indoors provided possession of the animal is in compliance with applicable federal, state, and local laws and regulations.
- B. "Housing" means rental units only and includes single-family dwellings and multi-family dwellings but does not include condominiums or condominium associations or owner-occupied two-family or three-family dwellings.
- C. "Property Owner" means the owner of any housing unit, his or her designee, including but not limited to any person, organization or entity whose business involves the sale, rental, or leasing of dwelling units.

Section 3: Unlawful Refusal to Rent or Lease Housing on the Basis of a Companion Animal

A. It shall be unlawful:

- (1) For a property owner to refuse to rent or lease housing to any person because he or she has or intends to have a companion animal in the housing unit.
- (2) For a property owner to make or to cause to be made any written or oral requirement concerning the companion animal of any person seeking to rent or lease any housing unit until after agreement has been reached to rent or lease any housing unit and then only as to determine compliance with paragraph B.
- (3) For a property owner to harass, evict, or otherwise refuse to rent or lease housing to any person in the rental or leasing of housing when the property owner's dominant purpose is retaliation against a person who has opposed practices unlawful under this Bylaw.
- (4) For a property owner to make unavailable or deny housing based on that person having or intending to have a companion animal in the housing unit.
- (5) For any person to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the rental or leasing of housing that indicates any preference, limitation, or refusal to rent or lease housing based on companion animals.
- (6) For any person to coerce, intimidate, threaten, or interfere with any other person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, the rights granted by this Bylaw.

B. Conditions

- (1) Nothing in this Bylaw precludes a property owner from requiring a security deposit, which can cover damage as allowed under state law, M.G.L. c. 186 § 15B.
- (2) Nothing in this Bylaw precludes a property owner from requiring the companion animal to be sterilized and current on vaccinations and the owner or keeper of such companion animal to provide proof thereof, with the exception of fish or any other species or individual animal where sterilization and vaccination is determined medically inadvisable by a veterinarian licensed to practice medicine in this state.
- (3) Nothing in this Bylaw precludes a property owner from enforcing reasonable rules relating to the quiet enjoyment of other tenants such as noise, sanitation, and safety, if such enforcement is reasonably justified by noise, sanitation, or safety reasons and is not undertaken for reasons prohibited by this Bylaw.
- (4) Nothing in this Bylaw precludes a property owner from enforcing reasonable rules relating to the number and size of companion animals based on the size of the dwelling unit, provided that these rules permit at least one dog or two cats in any housing unit.
- (5) Companion animals shall be cared for in accordance with applicable state and local public health, animal control, and animal anti-cruelty laws and regulations.
- (6) Dogs shall be licensed and at age 6 months or older shall be vaccinated against rabies, as required under M.G.L. c. 140 § 137, 137A, and 145B, and Title VIII, Article 2, Section 4 of the Town Bylaws. Additionally, cats and ferrets that are 6 months of age or older shall be vaccinated against rabies as required under M.G.L. c. 140 § 145B. An exemption may be granted for vaccination of dogs, cats, and ferrets pursuant to M.G.L. c. 140 § 145B (d).
- (7) A property owner shall not be civilly liable for any injury to persons or property caused by a companion animal as a result of compliance with this Bylaw, except where there is a special relationship between the property owner and the injured person in which the injured person would reasonably expect the property owner to take steps to protect the injured person from harm, such as in the case where the companion animal has a verified bite history.
- (8) Nothing in this Bylaw precludes a property owner from requiring the occupant of the housing unit to maintain liability or renter's insurance covering injury to persons or property caused by a companion animal.

C. Exceptions

- (1) Neither a property owner or tenants is required, when renting or subleasing a room of a single dwelling or an accessory dwelling unit, to rent to another person, as a roommate, who has or intends to have a companion animal in the housing unit.
- (2) A property owner of a two-family or three-family dwelling, who occupies one of the units, is not required to rent to a person who has or intends to have a companion animal in any other rental unit of said housing unit.
- (3) A condominium association or a member of a condominium association is not required to rent to a person who has or intends to have a companion animal in the condominium unit.
- (4) A property owner may petition the Board of Health for a grant of exemption from this Bylaw, if a legitimate, significant, and unavoidable hardship exists that will harm the property owner's health or well-being.

Section 4: Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof.

Section 5: Effective Date

This Bylaw shall take effect with leases that begin, or are renewed, after July 1, 2026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Schlichtman', with a large, stylized initial 'P'.

Paul Schlichtman, Precinct 9

Date Voted: _____

Action Taken: _____